

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE:

CHEFS DIET ACQUISITION CORP.

Debtor,

Chapter 11 Bankruptcy

Case Index No.: 09-24392-rdd

**ANSWER TO
INVOLUNTARY PETITION**

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Chefs Diet Acquisition, Corp., alleged Debtor herein by its attorney Flaum & Associates, P.C., as and for its Answer to the Petition herein respectfully sets forth and alleges:

1. Debtor denies the allegations contained in paragraphs 1 and 3 (a) of the Petition herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. Petitioners Lance Kasak, Inc., d/b/a Everything Epicurean and Imperial Bag and Paper lack standing to maintain the Petition herein. With regard to the former, the Petitioner is owed nothing having been paid in full and with regard to the latter the Petitioner has agreed to the payment of its debt over time.
3. With regard to the Petitioner M. Tucker Co. Inc., said Petitioner has accepted payments following execution of the Petition herein. In addition the amount claimed namely \$85,638.41 is grossly overstated in that the alleged Debtors records indicate that this Petitioner is owed some \$33,474.06.
4. Your respondent, the alleged Debtor, has in excess of 12 creditors.
5. By reason of the foregoing the Petition herein is defective in that there are only, at most, 2 not 3 creditors who are qualified to maintain the Petition herein.

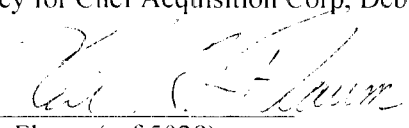
AS AND FOR A SECOND AFFIRMATIVE DEFENSE

6. Respondent repeats and re-alleges the allegations contained in paragraphs 2 through 5 hereof as though more fully herein set forth.
7. By reason of the foregoing the Petition herein fails to state a claim upon which relief can be granted.

WHEREFORE, the alleged Debtor respectfully prays for the dismissal of the Petition herein together with the costs and disbursements hereof as well as for such other and further relief as to this Court may seem just, proper, and equitable under the circumstances.

Dated: New York, New York
January 13, 2010

Flaum & Associates, P.C.
Attorney for Chef Acquisition Corp, Debtor herein

By: 
Neil R. Flaum (nrf 5028)
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To:
Rattet Pasternak & Gordon – Oliver, LLP, Attorneys for Petitioners
550 Mamaroneck Ave.
Harrison, New York 10528
Attention: Robert L. Rattet, Esq.

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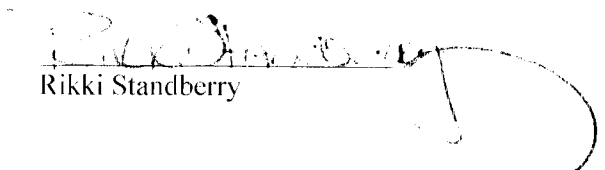
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AFFIDAVIT OF SERVICE

I Rikki Standberry, certify that on January 13, 2010 a true and correct copy of the Debtors
“**Answer to Involuntary Petition**”, in the above referenced case annexed hereto was served by U.S.
Regular Mail to all parties entitled to Service.


Rikki Standberry

To:

Rattet Pasternak & Gordon – Oliver, LLP, Attorneys for Petitioners
550 Mamaroneck Ave.
Harrison, New York 10528
Attention: Robert L. Rattet, Esq.

U.S. Trustee

United States Trustee

33 Whitehall Street, 21st Floor
New York, NY 10004

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Neil R. Flaum

Attorney for Debtor- Chef's Diet Acquisition Corp.

Neil R. Flaum, P.C.

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